

Appl. No. 10/055,749

REMARKS

The helpfulness and courtesies extended by the Examiner to Applicant's representative during the interview of February 11, 2004 are appreciated. At that time, proposed new claims were discussed and the patentability of those claims were discussed with respect to the prior art. The substance of those discussions are substantially the same as set forth below in response to the outstanding rejections.

1. Rejections Under 35 U.S.C. §112

Claims 18, 28 and 33 have been rejected under 35 U.S.C. 112, first paragraph. These rejections are respectfully traversed. Reconsideration and withdrawal thereof are requested.

The Examiner has first of all objected to the limitation "by binding to an enzyme involved in the conversion of...". Applicants submit that this limitation is well supported by both the specification and the original claims. Page 4, line 20 and page 6, line 4 of the specification specifically states that the enzyme is considered to be a "target for inhibition" and page 10, lines 5-9 specifically refers to an "*in vitro* experiments" for identifying inhibitors which bind to the enzyme. The Examiner's attention is particularly directed to original claims 18, 24 and 25, wherein claim 18 is broadly directed to a method of identifying a compound that inhibits conversion of α -glucose-1-phosphate + ATP into ADP-glucose + Ppi and claim 24 is specifically directed to a method of identifying a compound capable of inhibiting enzyme ADP-glucose-pyrophosphorylase and specifically recites that the method identifies "a test compound which binds to" the enzyme.

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It is believed that these sections of the specification provide clear support for the terminology noted by the Examiner, such that the objection should be withdrawn.

The Examiner has also objected to claim 33, particularly the term "analogue". Although Applicants do not concede the propriety of the objection, claim 33 has been canceled in order to expedite prosecution of this application.

2. Rejection Under 35 U.S.C 102

Claims 18, 20, 22, 24, 28, 32 and 33 have been rejected under 35 U.S.C. 102(e) over Dietzler et al. This rejection is respectfully traversed. Reconsideration and withdrawal thereof are requested.

In the Office Action, the Examiner appears to recognize that Dietzler et al. do not teach a method for screening for inhibitors in pathogenic organisms, but the Examiner submits that the "method as claimed does not require that testing be performed in a pathogenic organism". The claims have been amended such that each of the independent claims 18, 22 and 24 now recite the three step method including the step of exposing the pathogenic microorganism to the identified compound to determine the effect of the compound on the growth of the pathogenic microorganism.

The Dietzler et al. reference does not in any way teach or suggest a method for identifying compounds capable of inhibiting the growth of pathogenic microorganisms. The Dietzler et al. publication merely discusses studies involving known ribonucleotide phosphates, particularly AMP and GTP. Dietzler et al. do not teach or suggest any kind of screening method for identifying compounds which would inhibit the growth of pathogenic microorganisms, and

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specifically does not teach any method for identifying compounds that bind to an enzyme. The Dietzler et al. publication merely relates to laboratory studies on the regulation and physiological synthesis of glycogen. Moreover, nothing in the Dietzler et al. reference would motivate one skilled in the art to develop a screening method for the identification of such compounds.

Accordingly, Dietzler et al. fails to suggest the present invention.

Accordingly, reconsideration and withdrawal of the rejections are requested.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Leonard R. Svensson (Reg. No. 30,330) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), the Applicant respectfully petitions for a one (1) month extension of time for filing a response in connection with the present application and the required fee of \$55.00 is to be charged to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By 

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